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Attorneys for Defendant Conolog Corporation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ALLEN WOLFSON,

Plaintiff,

- against -

CONOLOG CORPORATION,

Defendant.
----- X

Civil Action No.: 08-cv-3790 (LTS)(MHD)

**NOTICE OF DEFENDANT'S
MOTION TO DISMISS**

PLEASE TAKE NOTICE THAT, upon the Affidavit of Robert Benou, with exhibits, sworn to on June 6, 2008, and the accompanying Memorandum of Law, pursuant to Rules 12(b)(2) and (6) of the Federal Rules of Civil Procedure, Defendant, Conolog Corporation ("Conolog"), by and through its undersigned counsel, will move this Court, before the Honorable Laura Taylor Swain, United States District Judge, Southern District of New York, at the United States Courthouse, 500 Pearl Street, Courtroom 17-C, New York, New York 10007, for an Order granting Conolog's motion to dismiss Plaintiff's complaint and for such other and further relief as this Court may deem just and proper.


Conolog respectfully requests that it be excused from the obligation to certify that it has "used its best efforts to resolve informally the matters raised in its" motion to dismiss, pursuant

to Rule 2(B) of the Individual Practices of the Honorable Laura Taylor Swain, because it possessed insufficient time, after the retention of counsel, to exchange letters and/or conduct a telephonic discussion with Plaintiff, who is appearing *pro se* and is incarcerated, before a response was due to Plaintiff's complaint.

Pursuant to Local Civil Rule 6.1, any opposing affidavits and answering memoranda shall be served within ten business days after service of the moving papers, and any reply affidavits and memoranda of law shall be served within five business days after service of the answering papers.

Dated: New York, New York
June 10, 2008

MOSES & SINGER LLP
Attorneys for Defendant

By: 
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